

(1)

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR
BENCH JAIPUR

ORDER

IN

S.B. CIVIL RESTORATION APPLICATION NO.289/2015

IN

S.B. CIVIL WRIT PETITION NO.1124/1996

(Ram Chand & Ors. Vs. The Board of Revenue for Rajasthan & Ors.)

Date of Order :

13.02.2015

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Rajesh Moondia, for the petitioners.

BY THE COURT

The matter was dismissed in default consequent to non-compliance with the peremptory order dated 17.08.2007, passed by this Court. The order reads as under :

“Correct amended cause title of petition as well as stay application and vakalatnama on behalf of legal heirs of petitioner No.4 be filed within two weeks. In case, correct amended cause title of petition as well as stay application and vakalatnama on behalf of legal heirs of petitioner No.4 are filed, the same be taken on record, otherwise, the petition shall be dismissed in default without any further reference to this Court.”

Mr. Rajesh Moondia, appearing for the petitioners submits that in spite of the several efforts to contact the petitioners, they did not get in touch with him consequent to which compliance with the order of this Court could not be made. He prays that however in the interest of justice the restoration application be allowed and the petition be restored to its original number.

(2)

Heard the counsel for the petitioners.

It is the responsibility of the litigant being in touch with his advocate such that compliance with the orders passed by the Court from time to time is made. The litigant not being in touch with his counsel cannot be to the account either of the counsel or a burden on the court to repeatedly adjourn the matter and then proceed at the litigant's leisure. Counsel for the petitioners has submitted that despite his efforts, the petitioners did not contact him. In the circumstances, I find no occasion to allow the restoration application and restore the petition to its original number.

The restoration application is therefore dismissed.

(ALOK SHARMA), J

MS/-11

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.- **Manoj Solanki**, P.A.



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